

REMARKS/ARGUMENTS

The Final Office Action mailed July 17, 2006 has been reviewed and carefully considered. Claims 9-20 are pending in this application, with claim 9 being the only independent claim. Reconsideration of the rejection regarding dependent claim 11 of the above-identified application in view of the following remarks is respectfully requested.

Claim 11 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 2,738,864 (Becker) in view of U.S. Patent No. 4,022,298 (Malinowski).

The combined teachings of Becker and Malinowski fail to teach or suggest that the friction lining carrier comprising "a ring-like body section which engages said housing" and of "carrier segments extending radially inward from said ring-like body section", as expressly recited in dependent claim 11.

Becker discloses a clutch having two relatively rotatable members 10 and 11, both having a cylindrical drum 12 or 13, respectively, on their facing ends (Fig. 1). The cylindrical drum 13 surrounds the cylindrical drum 12 forming a space in which two sets of annular clutch disks are arranged. According to the embodiment of Fig. 4, the first set comprises coned spring disks 40 which are arranged in pairs and are mounted to the inner drum 12, and the second set comprises disks 41 mounted on the outer drum 13. Between each pair of disks 40 formed of resilient steel a disk 41 is disposed which comprises an annular flat plate 30 (see also Fig. 3) having opposed surfaces provided with parallel sintered powdered metal friction facings 31 and 32 (col. 2, lines 43-46).

Becker does not disclose at least the following limitations of claim 11: "fluid to circulate around parts of said friction elements" (Becker is not a wet clutch as conceded by the Examiner), "second friction elements alternating axially with said first friction elements" (in Fig. 4

of Becker, two disks 40 are arranged next to each other in a row before a disk 41 is disposed), "circumferentially spaced carrier segments" (as conceded by the Examiner), "circumferentially facing surfaces forming fluid transport surfaces" (since there is only one continuous friction lining in Becker), the friction lining carrier comprising "a ring-like body section which engages said housing" (in Fig. 4 of Becker, the friction lining carrier is fixed to the drum by means of protrusions or tangs 42), and "carrier segments extending radially inward from said ring-like body section" (obviously, since there is no ring-like body section).

Malinowski fails to teach or suggest what Becker lacks. Malinowski discloses a wet disk brake for a road grader (Fig. 1). As can be seen from Fig. 2, the stack of brake plates in Malinowski is composed of alternate reaction plates 36 and friction plates 44. Each friction plate 44 has a central opening 45 therethrough, the periphery of which is serrated to engage with an inner element of the structure. The reaction plates 36 are received on their outer periphery in a retaining member 32 of the housing 22. Friction plates 44 have adhered on each face thereof a friction material. As shown in Fig. 6, aligned slots 96, 98 are provided in both the carrier plate 100 and the friction material 102 for picking up quantities of oil in the slot formation and spilling them onto the friction material as the friction plate is rotated.

As stated in MPEP §2143, to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second there must be a reasonable expectation of success. Finally, the prior art references combined must teach or suggest all the claim limitations.

In the case of claim 11, the first and the third criteria is not met. In our opinion, it is highly questionable whether a skilled person in the field of dry friction clutches (Becker) would turn

to a wet disc brake stack (Malinowski) in order to gather hints for further developments. In particular, there are no suggestions whatsoever in the references to combine the teachings of Becker and Malinowski.

Moreover, Malinowski also fails to teach or suggest at least the limitations of the friction lining carrier comprising "a ring-like body section which engages said housing" (since the friction plate of Malinowski is connected to an axle and not to the housing at all) and of "carrier segments extending radially inward from said ring-like body section" (in Malinowski, the friction lining segments are arranged radially outward from the portion of the central plate 44 having no friction linings).

Accordingly, the combined teachings of Becker and Malinowski fail to teach or suggest that the friction lining carrier comprising "a ring-like body section which engages said housing" and of "carrier segments extending radially inward from said ring-like body section", as expressly recited in dependent claim 11.

Therefore, at least dependent claim 11 is considered to contain allowable subject matter, and notice to that effect is solicited.

It is believed that no additional fees or charges are required at this time in connection with the present application. However, if any additional fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
COHEN, PONTANI, LIEBERMAN & PAVANE LLP

By /Alfred W. Froebrich/
Alfred W. Froebrich
Reg. No. 38,887
551 Fifth Avenue, Suite 1210
New York, New York 10176
(212) 687-2770

Dated: October 17, 2006